

FILED**UNITED STATES DISTRICT COURT**

for the

APR 03 2017

Eastern District of North Carolina


United States of America)

v.)

KEITH TUTT, a/k/a "Chief")

Case No.)

5:17-mj-1277-JG

PETER A. MOORE, JR., CLERK
US DISTRICT COURT FC
BY:  DEP CLK

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 30, 2017 in the county of Wake in the
Eastern District of North Carolina, the defendant(s) violated:*Code Section**Offense Description*Title 21, United States Code,
Section 841(a)(1)

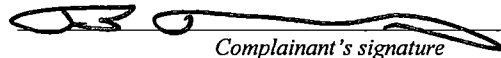
Possession with intent to distribute one kilogram or more of cocaine

Title 18, United States Code,
Section 924(c)

Possession of a firearm in furtherance of a drug trafficking offense

This criminal complaint is based on these facts:

See attached Affidavit, hereby incorporated by reference, as if fully restated herein

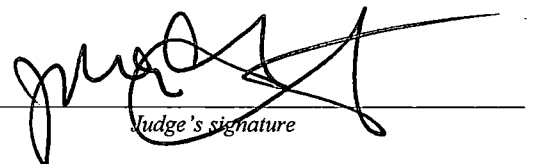
☒ Continued on the attached sheet.
Complainant's signature

Timothy S. Thomas, TFO FBI

Printed name and title

Sworn to before me and signed in my presence.

Date:

3 April 2017
Judge's signature

City and state:

Raleigh, North Carolina

James E. Gates, U.S. Magistrate Judge

Printed name and title

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Affidavit for Criminal Complaint

Your affiant, Task Force Officer Timothy Thomas, of the Federal Bureau of Investigation (FBI), Raleigh Resident Agency, having been duly sworn, states the following:

1. I am a duly appointed Task Force Officer of the FBI and have been employed as such since July 2014. Additionally your affiant is a sworn Durham Police Officer and has been since 2014. Your affiant is currently assigned to the Charlotte Division, Raleigh Resident Agency, Raleigh, North Carolina, to investigate violations of federal law. Your affiant is primarily assigned to investigate violations involving illegal narcotics, criminal street gangs, criminal enterprises, violent crimes, firearms violations and interstate transportation of stolen property. Prior to becoming a Task Force Officer with the FBI your affiant was a Drug Investigator from 2012 to 2014. Prior to that your affiant was assigned to street level drug and gang units from 2007 until 2012. Your affiant has conducted investigations which have resulted in the arrest and conviction of numerous individuals involved with illegal narcotics trafficking, firearms violations, violent crimes and criminal street gangs. I have myself conducted as well as assisted other law enforcement officers with physical surveillance, search warrants, and arrests of persons involved in violent crimes, illegal drug activity, criminal street gangs, firearms violations and stolen property.
2. This affidavit is submitted in support of the Criminal Complaints filed against KEITH TUTT AKA "Chief." The information contained in this affidavit is based on my knowledge of facts and evidence obtained during the Federal Bureau of Investigation's investigation into the drug distribution activities of KEITH TUTT. Since this affidavit is being submitted for the purpose of establishing probable cause for the issuance of an arrest

warrant, I have not included each and every fact known to me concerning this investigation, and have set forth only those facts I believe are necessary for said purpose.

3. In January and March 2016, the Raleigh Durham Safe Streets Task Force of the FBI conducted three federal Title III wire taps of phones operated by MAURIO MITCHELL AKA "RIO." During the course of the wire taps investigators learned that MITCHELL and TUTT operated a car lot located at 3720 Wake Forest Highway, Durham, NC called "Elite Auto." During the course of the wire taps investigators intercepted a call between TUTT and MITCHELL in which TUTT receives instructions from MITCHELL for a drug transaction. In the call MITCHELL tells TUTT "remember the guy you met last week?" TUTT responds in the affirmative. MITCHELL then tells TUTT "same thing same place" TUTT responds "today" and MITCHELL responds "yeah." Based on my training and experience, and my knowledge of how the MITCHELL DTO operates, I know this to be instructions for a drug transaction due the coded language used by TUTT and MITCHELL. At the end of the investigation into MITCHELL investigators seized seven kilograms of cocaine and three and a half kilograms of heroin. Investigators subsequently indicted MITCHELL and seven other co-conspirators. Investigators monitored jail calls of MITCHELL post-arrest and MITCHELL placed calls to TUTT giving instructions regarding who in the organization should be taken care of and how things should operate in his absence.
4. Investigators place a pole camera in the area of "Elite Auto" to monitor the activities of TUTT. Through the pole camera and physical surveillance investigators were able to determine that numerous un-indicted co-conspirators of MITCHELL began frequenting "Elite Auto." Investigators also determined that numerous transactions between TUTT and

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individuals arriving at the shop were consistent with drug transactions. Investigators frequently observed individuals arrive at the shop and stay for less than ten minutes. During these short stays the individuals would not look at any other vehicles or have their vehicles looked at by individuals at the shop. They would briefly walk into the office with TUTT and then leave. Additionally Investigators would see multiple people waiting at the shop when TUTT was not there. TUTT would arrive at the shop and they would only interact with TUTT and then quickly leave. Based upon your Affiant's training and experience this behavior is consistent with drug sales.

5. Investigators learned through a confidential and reliable source of information that TUTT had an apartment that he utilized as a "stash" location in the building of 5443 Wade Park Blvd, Raleigh, NC. The apartment is a controlled access apartment building with an internal hallway. One must have a key fob to enter the building or parking deck.
6. On March 31, 2017, investigators viewed TUTT leave Elite Auto in a Grey Honda Odyssey mini-van with dealer plates. Investigators quickly travelled to Wade Park Blvd in Raleigh, NC, and observed the same minivan in the parking lot of 5443 Wade Park Blvd. The time it took TUTT to travel to this location is consistent with driving directly there. Investigators viewed TUTT exit the building and leave in the same mini-van. Investigators followed TUTT into Durham County and paced TUTT travelling 60 mph in a 45 mph zone in the area of Miami Blvd and TW Alexander Blvd.
7. A marked patrol Officer with the Durham Police Department stopped TUTT for this violation. After a positive alert for the odor of narcotics coming from the vehicle by a Durham Police K9, Officers searched the vehicle. Officers located two bags of cocaine in

the glove compartment of the vehicle that weighted a total of 182 grams and tested positive for the presence of cocaine.

8. TUTT was in possession of a single key for the Honda and a key ring that contained house keys and a key fob. Investigators travelled back to 5443 Wade Park Blvd, Raleigh, NC and determined that the key and key fob belonged to apartment 1204 in this building. TFO Knight obtained a search warrant for this apartment signed by Superior Court Judge Ridgeway. Once the search warrant was obtained for the apartment investigators located approximately one kilogram of cocaine, four wrappers to kilograms of cocaine, a Sega Shotgun with shotgun ammunition, and a large amount of drug cutting and packaging material. The kilogram of cocaine and wrappers tested positive for the presence of cocaine using a field test kit. Some of the packaging material included three kilogram presses, a heroin press, food saver machine, and multiple blenders and strainers, which, based on my training and experience, are used for the processing of cocaine and heroin. TUTT was in possession of two high capacity drum style magazines for the shotgun. Sega Shotguns are built on an AK-47 style frame and have a fast rate of fire compared to a pump style hunting shotgun.
9. TFO Thomas also obtained a search warrant for 3720 Wake Forest Highway, Durham, NC. In the office of Elite Auto investigators located a digital scale and plastic cup, both with cocaine residue on them. Investigators also located pistol ammunition, and documentation that TUTT operated this business.
10. On April 3, 2017, TUTT was arrested at the Durham County Courthouse without incident.

11. Based upon these facts TUTT did possess with intent to distribute one kilogram or more of cocaine in violation of 21 U.S.C. §841(a)(1) and did possess a firearm in furtherance of a drug trafficking crime in violation of 18 U.S.C. §924 (c)(1)(A).



Timothy S Thomas
Task Force Officer
Federal Bureau of Investigation

Subscribed and sworn to before me
this 3rd day of April, 2017.


JAMES E. GATES
United States Magistrate Judge
Eastern District of North Carolina